

DELEGATE MUDD: If I were capable of answering that, it would take a long time to answer, but the judicial power under this proposed article is vested in the four-tier court system with the jurisdiction being prescribed by the legislature, within the limitations and restrictions imposed by the several sections. For instance, only appellate jurisdiction can be prescribed by the legislature to the Court of Appeals, and it can have original jurisdiction only as provided in this Constitution.

The conception of a unified uniform four-tier court structure is that all of the judicial power of the State shall be vested in those four courts, and that no court, such as an orphan's court, can be set up by the legislature to exercise jurisdiction that might be prescribed to one of those four courts.

Is that helpful at all to you?

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: One short question, if I may.

Would this article assume the abolition of courts sitting on municipal ordinance questions only, as for example, a municipal magistrate who tries only matters arising under municipal ordinances?

DELEGATE MUDD: You mean exercising a judicial function for a municipality?

DELEGATE GILCHRIST: Correct.

DELEGATE MUDD: Yes.

DELEGATE GILCHRIST: This would be abolished?

DELEGATE MUDD: Tell me such a court. Where?

THE CHAIRMAN: Delegate Gilchrist.

DELEGATE GILCHRIST: In the city of Cumberland, for example, there is a magistrate treating only with violations of city ordinances.

DELEGATE MUDD: No, I do not think it would interfere with that.

THE CHAIRMAN: That might or might not be true under the provisions of the article on local government adopted this morning.

DELEGATE MUDD: I cannot answer for that.

THE CHAIRMAN: If there are no further questions the Chair will call on Dele-

gate Johnson to present the minority report with reference to sections 5.01 to 5.11 and give Delegate Mudd a much needed rest.

Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman.

THE CHAIRMAN: Delegate Johnson.

DELEGATE JOHNSON: Mr. Chairman, I would first like to begin by inquiring whether or not it would be both right and proper for me to comment on behalf of the minority with respect to any intervening sections, namely 5.01 and 5.11, if there are in fact amendments to any intervening sections pending. If it is all right I will go ahead and do that, but perhaps we have an alternative and I should address myself to 5.01 only.

The Chair is not aware of any proposed amendments to any sections in this group other than 5.01 and 5.11. Are there any proposed?

Delegate Grant?

DELEGATE GRANT: I have a suggested amendment to 5.08 and another amendment to 5.11 and an amendment to 5.10.

THE CHAIRMAN: Thank you.

Delegate Johnson, you may proceed.

DELEGATE JOHNSON: Mr. Chairman, fellow delegates, I must assume that you have had opportunity to look at the Minority Report JB-1, but perhaps because of some of the questions that were asked of the majority chairman it may be necessary for me to explain in somewhat additional detail than I had intended with respect to our amendment to section 5.01.

I think perhaps it is important to look at section 5.01 inasmuch as we propose an amendment to it. You will note the word "exclusively" is used in section 5.01 and you will note it does not provide for the legislature to create any other courts, any other special courts, we submit, by law.

I want to be perfectly frank in indicating to you that I do not consider this a guts issue, the minority simply feels that this body ought to deliberate and consider whether or not it wants to permit the legislature to provide any other courts that would not be inconsistent with the unified judicial court system.

As a matter of fact, we had considered wording our amendment so that the legis-